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REMARKS

This response is to the Office Action mailed on April 4, 2005 in the above-referenced case. The Examiner in paragraph 1 states that the information disclosure statement filed does not comply with 37 CFR 1.98(a)(2). The applicant respectfully offers that the documents listed in the IDS are not foreign patent documents, nor are they non-patent literature publications referred to by the rule. The document bearing the S/N 60/397,169 is a provisional patent application filed by the inventor in the instant case, and referred to in the Cross-reference section for priority. The Disclosure Documents were properly filed under the USPTO Disclosure Document program and were accorded the S/Ns listed. Moreover, the instant case was filed with a proper paper requesting that the Office retrieve these documents, which are retained for two years, and to make them a part of the application file.

All of these documents are in the archives of the USPTO and retrievable. The retrieval of the Disclosure Documents is important to the applicant, as they attest to an earlier date of invention, and might be needed in the future. None of these documents is material to the Examination in the sense of prior art, as all were filed on behalf of the present inventor, and not made public.

The Examiner has rejected claim 8 under 35 U.S.C 112 as indefinite, referring to the word 'strategically'. The applicant has deleted the word from the claim by amendment above, overcoming the rejection.

The Examiner has rejected claims 1-5 and 7 under 35 U.S.C. 102(e) over Frankeny, of record, and has rejected claim 6 under 35 U.S.C. 103(a) over Frankeny in view of Bockhoff, of record. The applicant has cancelled claims 1-7, overcoming the merit rejections.

The Examiner has stated that claims 8-10 would be patentable if the 112 rejection were overcome, which has been done by amendment. Applicant therefore believes the claims as amended and still standing for examination are patentable to applicant over the references cited and applied, and therefore requests reconsideration and that the case be

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passed quickly to issue.

If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Caryn Paige Rafferty

by Donald R. Boys
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
(831) 726-1457